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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,701	06/01/2001	Steven W. Lundberg	296.022US1	2505

7590 12/08/2003

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EXAMINER

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
2171	8

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,701

Applicant(s)

LUNDBERG, STEVEN W.

Examiner

Wayne Amsbury

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-96 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

CLAIMS 1-96 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 10/10/03 have been fully considered but they are not persuasive.

Applicant fails to recognize the breadth of the claims. In one particular, the *name* of data is non-functional [MPEP 2106-VI, *In re Gulack*, 703 F.2d 1381, 1385 217 USPQ 401, 404 (Fed. Cir. 1983).] Thus "patent application data" corresponds to document data. Similarly, the term "module" is a generic term that refers to a collection of routines and/or data structures that performs a particular task. Unless the specifics of its interface and/or data structures are claimed, a module corresponds to its functionality.

In another particular, the distinction between "patent" applications and applications in general in Immerman et al (Immerman) is moot. There is no element of the claims in which a distinction is significant.

In another particular, Immerman was presented as evidence that applying a security model to application management was well known at the time of the invention, and this does not require a physical combination of the two systems as a whole. A motivation for migrating this aspect of Immerman was given in the previous action as well.

In another particular, computer security is directed at unauthorized access, which clearly corresponds to restricting task and matter data to selected system users.

Finally, Immerman clearly is also evidence that it was well known at the time of the invention to provide Internet access to applications, from the TITLE, ABSTRACT, SUMMARY, and numerous places in the detailed description.

It is also noted that a system, which at least broadly corresponds to the claims, was implemented by the USPTO itself in 1999. A notification to the Intellectual Property community in the form of a press release [Quinn et al] is included as prior art with this action. It is difficult to understand why this was not submitted as prior art on an IDS form with an application in 2001.

3. Claims 1-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwai et al (Iwai), US 5,175,681, 29 December 1992 in light of Immerman et al (Immerman), US 6,574,617, 3 June 2003.

This maintains the rejection of the previous action, which is hereby incorporated in its entirety, in light of the remarks above.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER